

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board**

Paper No. 19

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID A. GALLUP, TIMOTHY J. HUGHES and
JOHN SPERINDE

Junior Party
(Patent 5,435,308),

v.

MICHAEL D. QUINN and MARK L. YELDERMAN

Senior Party
(Application 08/420,503).

Patent Interference No. 104,240

Before, SCHAFFER, TORCZON and MEDLEY, Administrative Patent
Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the REQUEST FOR ENTRY OF ADVERSE
JUDGMENT (Paper 16) filed by Gallup, it is

ORDERED that judgment on priority as to Count 1 (Paper
1, page 49), the sole count in the interference, is awarded

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AND INTERFERENCES

against junior party David A. Gallup, Timothy J. Hughes, and John Sperinde.


FURTHER ORDERED that junior party David A. Gallup, Timothy J. Hughes, and John Sperinde is not entitled to a patent containing claims 1-8 and 11-20 (corresponding to Count 1) of U.S. Patent 5,435,308, granted 25 July 1995, based on application 07/914,279, filed 16 July 1992.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/420,503 and U.S. Patent 5,435,308.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge


SALLY C. MEDLEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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